

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DANIEL W. RANNELS,

Plaintiff,

v.

SMITH, et al.,

Defendants.

Case No. 1:21-cv-00049-KES-SKO (PC)

**ORDER REFERRING CASE TO POST-
SCREENING ADR AND STAYING CASE
FOR 90 DAYS**

FORTY-FIVE (45) DAY DEADLINE

Plaintiff Daniel W. Rannels is proceeding pro se in this civil rights action brought pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's Eighth Amendment deliberate indifference to serious medical needs claims against Defendants Smith, Tortrice, Sommers and Puyagoya.¹ (*See* Doc. 32.)

The Court refers all civil rights cases filed by pro se inmates to Alternative Dispute Resolution ("ADR") to attempt to resolve such cases more expeditiously and less expensively. In appropriate cases, defense counsel from the California Attorney General's Office have agreed to participate in ADR. No claims, defenses, or objections are waived by the parties' participation.

The Court stays this action for ninety days to allow the parties to investigate Plaintiff's

¹ This Court has recommended that Defendants Puyagoya and Sommers be dismissed from this action, without prejudice, following Plaintiff's failure to provide sufficient information to effect service of process on Puyagoya and Sommers (*see* Doc. 38 [OSC]) and his filing of March 14, 2024 (*see* Doc. 41 [consenting to dismissal these defendants]). Those findings are now pending before District Judge Kirk E. Sherriff.

1 claims, meet and confer, and participate in an early settlement conference. The Court presumes
2 that all post-screening civil rights cases assigned to the undersigned will proceed to a settlement
3 conference. However, if, after investigating Plaintiff's claims and meeting and conferring, either
4 party finds that a settlement conference would be a waste of resources, the party may opt out of
5 the early settlement conference.

6 Accordingly, it is hereby **ORDERED**:

- 7 1. This action is STAYED for **ninety (90) days** to allow the parties an opportunity to
8 settle their dispute before the discovery process begins. No pleadings or motions may
9 be filed in this case during the stay. The parties shall not engage in formal discovery,
10 but they may engage in informal discovery to prepare for the settlement conference.
- 11 2. **Within forty-five (45) days** from the date of this order, the parties SHALL file the
12 attached notice, indicating their agreement to proceed to an early settlement
13 conference or their belief that settlement is not achievable at this time.
- 14 3. **Within sixty (60) days** from the date of this order, the assigned Deputy Attorney
15 General SHALL contact the undersigned's Courtroom Deputy Clerk at
16 wkusamura@caed.uscourts.gov to schedule the settlement conference, assuming the
17 parties agree to proceed to an early settlement conference.
- 18 4. If the parties reach a settlement during the stay of this action, they SHALL file a
19 Notice of Settlement as required by Local Rule 160.
- 20 5. The Clerk of the Court SHALL serve via email copies of Plaintiff's second amended
21 complaint (Doc. 22), the Court's Third Screening Order (Doc. 32), the Findings and
22 Recommendations issued March 18, 2024 (Doc. 43), and this Order to Supervising
23 Deputy Attorney General Lawrence Bragg (Lawrence.Bragg@doj.ca.gov), and a copy
24 of this Order to ADR Coordinator Sujean Park.

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1 6. The parties are obligated to keep the Court informed of their current addresses during
2 the stay and the pendency of this action. Changes of address must be reported
3 promptly in a Notice of Change of Address. *See* L.R. 182(f).

4
5 IT IS SO ORDERED.

6 Dated: April 10, 2024

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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NOTICE REGARDING EARLY
SETTLEMENT CONFERENCE

1. The party or counsel agrees that an early settlement conference would be productive and wishes to engage in an early settlement conference.

Yes ____ No ____

2. Plaintiff (check one):

____ would like to participate in the settlement conference in person.

____ would like to participate in the settlement conference by telephone or video

conference.

Dated:

Plaintiff or Counsel for Defendant